

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Michael Hanson

v.

Civil No. 14-cv-132-SM

New Hampshire State Prison,  
Literary Review Committee et al.<sup>1</sup>

**O R D E R**

Plaintiff Michael Hanson, an inmate at the New Hampshire State Prison ("NHSP"), has filed a complaint (doc. nos. 1 and 10), pursuant to 42 U.S.C. § 1983. The complaint is before the court for preliminary review, pursuant to 28 U.S.C. § 1915A(a) and LR 4.3(d)(1).

As fully explained in a Report and Recommendation issued simultaneously with this Order ("R&R"), the court finds that

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<sup>1</sup>The defendants named in the complaint are: the New Hampshire State Prison ("NHSP") Literary Review Committee ("LRC"), NHSP Warden Richard Gerry, New Hampshire Department of Corrections ("DOC") Commissioner William Wrenn, DOC Commissioner's Designee Christopher Kench, NHSP Maj. Fouts, whose first name is unknown ("FNU"), NHSP Lt. FNU Masse, NHSP Sgt. FNU St. Peter, NHSP Hearing Officer FNU Hickman, and NHSP Corrections Officer FNU Azzara. The only individual member of the LRC identified in the complaint is LRC Chairperson C.O. FNU Burgh. The court construes the claims for damages asserted against the LRC to be asserted against Burgh in his individual capacity.

the complaint states cognizable claims alleging violations of Hanson's First Amendment rights to free exercise of his religion, free speech, and access the courts to petition for a redress of grievances, and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq. Accordingly, and without prejudice to defendants' filing of a motion to dismiss on any proper basis, this action may proceed and be served on defendants: the New Hampshire State Prison ("NHSP") Literary Review Committee ("LRC"), NHSP Warden Richard Gerry, New Hampshire Department of Corrections ("DOC") Commissioner William Wrenn, DOC Commissioner's Designee Christopher Kench, NHSP Lt. Masse, whose first name is unknown ("FNU"), NHSP Corrections Officer ("C.O.") FNU Azzara, and LRC Chairperson C.O. FNU Burgh.<sup>2</sup>

### **Service**

The Clerk's office is directed to serve electronic copies of this Order, the R&R, and the complaint (doc. nos. 1 and 10) on the New Hampshire Office of the Attorney General ("AG"), as provided in the Agreement on Acceptance of Service. Within

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<sup>2</sup>In the R&R, the court recommends that defendants Maj. Fouts, Hearings Officer Hickman, and Sgt. St. Peter be dropped from this action.

thirty days from receipt of these materials, the AG must submit an Acceptance of Service notice to the court specifying whether the defendants have authorized the AG to receive service on their behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period for those defendants that accept AG representation, and that the AG agrees to represent.

If any defendant does not authorize the AG to receive service on his or her behalf, or the AG declines to represent him or her, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court the defendant's last known address. In that event, the Clerk's office is instructed to complete and issue summonses for those defendants, using the last known addresses provided, and forward the summonses, along with copies of this Order, the R&R, and the complaint (doc. nos. 1 and 10), to the United States Marshal for the District of New Hampshire ("U.S. Marshal"), to complete service on the defendants in accordance with this Order and Fed. R. Civ. P. 4(c)(3) and 4(e).

Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P.

12(a)(1)(A). Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on defendants by delivering or mailing the materials to defendants or their attorney(s), pursuant to Fed. R. Civ. P.

5(b).

SO ORDERED.

  
Andrea K. Johnstone  
United States Magistrate Judge

April 13, 2015

cc: Michael T. Hanson, pro se